

REMARKS

Reconsideration of the application is requested.

Claims 1-5 remain in the application. Claims 1-5 are subject to examination. Claim 1 has been amended.

Under the heading "Claim Rejections - 35 USC § 102" on pages 2-3 of the above-identified final Office Action, claims 1-3 have been rejected as being fully anticipated by U.S. Patent No. 6,628,208 to Morozumi et al. (hereinafter Morozumi) under 35 U.S.C. § 102.

Morozumi teaches a measurement device containing:

- a) a temperature measurement portion 20 acquiring data from a temperature sensor 10;
- b) a memory for receiving data from the sensor;
- c) a memory 40 for storing the measured data;
- d) a radio portion 30 for performing radio transmission/reception of the data;

e) a PC interface portion 45 for transmitting the data to a host computer via an universal interface; and

f) a control portion 50.

The temperature sensor 10 can be plugged into the connector 5 and includes a stainless probe portion 12 that houses a thermistor 11 at its end portion, a connector 13 and a strand of Teflon-coated cable 14, that connects the probe to the connector 13.

Contrary to the Examiner's opinion, it is respectfully stated that Morozumi does not disclose a sample receiving channel for channeling a liquid under test. It is unclear to applicant why the Examiner states that Morozumi discloses "channeling a liquid under test" and supports this statement referring to column 1, lines 52-64.

The above-cited paragraph discloses the following:

"This constraint or limitation applies not only to the measurement system but also to other systems for measuring various types of physical quantity such as humidity, noise and amount of rainfall, by means of sensors." Viewing the previous paragraphs it is clear that this paragraph relates

to the constraints of modifying an existing measuring system by using old components to cover a new area and that the system is therefore not optimized. The reference to humidity, noise and rainfall is merely used as an example to show that many sensor must be strategically placed. Nowhere does it state that the sensor in Morozumi is used for measuring a liquid and more specifically to a receiving channel for channeling a liquid under test.

In contrast to the opinion of the Examiner a receiving channel for channeling a liquid under test is neither disclosed in the cited paragraph nor in the remaining description, figures or claims of the Morozumi. The temperature probe 12 is a probe and does not receive a liquid in a channel for analysis. At best, the probe can be inserted into the liquid for taking a temperature reading.

Thus "a receiving channel for channeling a liquid under test" as claimed in claim 1 of the instant application is not disclosed in Morozumi.

Furthermore, Morozumi does not disclose the use of a heating element, as claimed in claim 1 of the instant application.

Morozumi discloses a temperature sensor 10 that can be plugged into the connector 5 for sensor connection and which contains the stainless probe portion 12 that houses the thermistor 11.

When the temperature sensor 10 is connected to the measurement device and the measurement device is set to the remote mode, the probe 12 or the temperature sensor 10 respectively detects the temperature (see column 4, lines 50-54).

The thermistor 11 is a resistor that changes its resistance according to the applied temperature. A thermistor 11 does not correspond to a heating element according to its functionality and set up. Morozumi does not contain any hint to one skilled in the art to use/apply a heating element. In addition, claim 1 of the instant application has been amended to state that the heating element heats the liquid under test as stated on page 8, lines 4-9 of the specification of the instant application.

Moreover, Morozumi does not disclose an exchangeable sensor formed as a card. The only sensor described in Morozumi is the temperature sensor 12 already cited (col. 4 lines 44-54; Fig. 1d), which has no card-like appearance.

Other sensors are not disclosed according to their geometrical structure.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

Finally, applicants appreciatively acknowledge the Examiner's statement that claims 4-5 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, applicants respectfully believe that rewriting of claims 4-5 is unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1-5 are solicited.

In the event the Examiner should still find any of the remaining claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of

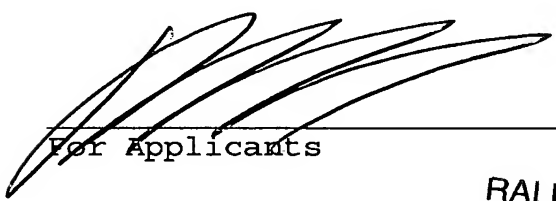
Appl. No. 10/668,084
Amdt. Dated April 6, 2005
Reply to Office Action of February 7, 2005

the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

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April 6, 2005

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